

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jonathan Berall, M.D., M.P.H.

Plaintiff,

v.

Verathon Inc., Pentax of America, Inc., Karl
Storz Endoscopy-America, Inc., Aircraft
Medical, Ltd., LMA North America, Inc.,
and AirTraq LLC.

Defendants.

Civ. No. 10-CV-5777 (BSJ)

**NOTICE OF VOLUNTARY DISMISSAL
OF AIRTRAQ LLC WITHOUT
PREJUDICE**

JURY TRIAL DEMANDED

Please take notice that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff, Dr. Jonathan Berall, voluntarily dismisses Defendant AirTraq, LLC (“AirTraq”) without prejudice, AirTraq having served neither an answer nor a motion for summary judgment. Plaintiff and AirTraq shall each bear their own costs and attorneys’ fees.

All claims against the remaining Defendants are not part of this voluntary dismissal and shall remain in full force and effect.

Dated: October 21, 2010

PEARL COHEN ZEDEK LATZER, LLP

By: /s/ David A. Loewenstein
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing NOTICE OF VOLUNTARY DISMISSAL OF AIRTRAQ LLC WITHOUT PREJUDICE to be served upon counsel of record by filing the document on the court's ECF system on October 21, 2010.

/s/ Keren Livneh
Keren Livneh